

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

**THERAPEUTICSMD, INC.,**

**Plaintiff,**

**v.**

**TEVA PHARMACEUTICALS USA,  
INC.,**

**Defendant.**

**Case No. 20-cv-03485-BRM-ESK**

**PRETRIAL SCHEDULING ORDER**

**THIS MATTER** having come before the Court pursuant to Rule 16 of the Federal Rules of Civil Procedure, and the parties having reviewed the Court's Civil Case Management Order and Local Rules, and for good cause shown,

**IT IS** on this **30th** day of **July 2020** **ORDERED** that:

1. A telephone status conference is scheduled for **October 27, 2020 at 2:00 p.m.** before Magistrate Judge Edward S. Kiel. The parties shall file a joint letter, at least three business days before the conference advising of the status of discovery, any pending motions, and any other issues to be addressed.

2. Discovery shall proceed as set forth in Exhibit A to this Order.

/s/ Edward S. Kiel

**EDWARD S. KIEL**

**UNITED STATES MAGISTRATE JUDGE**

**Exhibit A**

<b>Event</b>	<b>Deadline</b>
Fed. R. Civ. P. 26(f) Conference	July 16, 2020
Proposed Joint Discovery Plan	July 27, 2020
Initial scheduling conference before Magistrate Judge Edward S. Kiel	July 30, 2020 at 3:30 p.m.
Teva's answer and counterclaims in 20-8809 Action	August 5, 2020
Plaintiffs' reply to Teva's counterclaims in 20-8809	August 19, 2020
Fed. R. Civ. P. 26(a) Initial Disclosures	August 26, 2020
Plaintiff to serve "Disclosure of Asserted Claims" (L. Pat. R. 3.6(b))	August 26, 2020
Parties to submit Proposed Discovery Confidentiality Order (L. Pat. R. 2.2)	August 13, 2020
E-Discovery conference pursuant to L. Civ. R. 26.1(d)	August 13, 2020
Defendant to serve "Invalidity Contentions" and "Noninfringement Contentions" and corresponding disclosures (L. Pat. R. 3.6(c)-(f))	September 25, 2020
Plaintiff to serve "Disclosure of Infringement Contentions" and "Responses to Invalidity Contentions" and corresponding documents (L. Pat. R. 3.6(g)-(i))	November 9, 2020
Parties to exchange a list of claim terms which that party contends should be construed by the Court (L. Pat. R. 4.1(a))	November 23, 2020
Parties to simultaneously exchange "Preliminary Claim Constructions" and identification of supporting intrinsic and extrinsic evidence (L. Pat. R. 4.2(a)-(b))	December 8, 2020
Parties to exchange identification of intrinsic and extrinsic evidence that each party intends to rely upon to oppose the other party's proposed construction (L. Pat. R. 4.2(b)-(c))	December 15, 2020
Parties shall meet and confer for the purposes of narrowing the issues and finalizing preparation of a Joint Claim Construction and Prehearing Statement.	December 18, 2020
Parties to file Joint Claim Construction and Prehearing Statement (L. Pat. R. 4.3)	December 22, 2020
Completion of fact discovery relating to claim construction (L. Pat. R. 4.4)	January 29, 2021

Parties to file Opening <i>Markman</i> Submissions (L. Pat. R. 4.5(a))	February 19, 2021
Completion of Expert Discovery Relating to Opening <i>Markman</i> Submissions (L. Pat. R. 4.5(b))	March 19, 2021
Parties to file Responsive <i>Markman</i> Submissions (L. Pat. R. 4.5(c))	April 16, 2021
Parties to meet and confer and submit proposed Claim Construction Hearing schedule (L. Pat. R. 4.6)	April 23, 2021
Motions to amend or to add parties to be filed by	April 30, 2021
<i>Markman</i> Hearing	May 2021
Close of Fact Discovery	August 13, 2021
Opening Expert Reports	September 17, 2021
Responsive Expert Reports	November 5, 2021
Reply Expert Reports	December 10, 2021
Close of Expert Discovery	February 18, 2022
Final Pre-trial Conference	March/April 2022
Trial	March/April 2022
Expiration of 30-month stay	August 20, 2022